In the Claims

Please cancel claims: 2-7, 20-26, and 37-39.

Please amend the following claims:

1. (Amended)

A promoter sequence capable of directing expression of a nucleotide sequence in a plant cell, said sequence comprising:

a ubiquitin promoter sequence, wherein said sequence includes a modification so that there are no heat shock elements.

8. (Amended)

The promoter sequence of claim 1 wherein said sequence includes a deletion of two overlapping heat shock elements at position -214 – -190 of SEQ ID NO: 1.

9. (Amended)

The promoter sequence of claim 9 further comprising a transcription binding factor.

10. (Amended)

The promoter sequence of claim 9 wherein said transcription binding factor is selected from the group consisting of PsI, EBP, HY5, BLZ-1, Gamyb, RF2a, ROMI, GT-1, SPA, Dof2, and Opaque.

11. (Amended)

The promoter sequence of claim 10 wherein a PsI element comprises SEQ ID NO: 5.

12. (Amended)

The promoter sequence of claim 11 wherein said PsI element is a trimer.

19. (Amended)

A method for causing expression of a structural gene or open reading frame in a plant cell, said method comprising:

introducing to a plant cell an expression construct comprising a ubiquitin promoter sequence, said sequence having been engineered so that it comprises no heat shock elements.

27. (Amended)

The method of claim 19 wherein said sequence includes a deletion of two overlapping heat shock elements at position -214 - -190 of SEQ ID NO: 1.

28. (Amended)

The method of claim 19 wherein the promoter sequence further comprises a seed specific factor.

29. (Amended)

The method of claim 28 wherein said seed specific factor is a PsI element.

30. (Amended)

The method of claim 29 wherein said PsI element comprises SEQ ID NO: 5.

31. (Amended)

The method of claim 30 wherein said element is a trimer.

35. (Amended)

The method of claim 34 wherein said expression is embryo preferred expression.